

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 879 Early Learning

SPONSOR(S): Kelly

TIED BILLS: **IDEN./SIM. BILLS:** SB 1670

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|-----------------------------------------------------------|------------------|-------------|----------------|
| 1) <u>Committee on Economic Development</u> | <u>9 Y, 0 N</u> | <u>West</u> | <u>Croom</u> |
| 2) <u>Economic Expansion & Infrastructure Council</u> | <u>13 Y, 0 N</u> | <u>West</u> | <u>Tinker</u> |
| 3) <u>Policy & Budget Council</u> | <u>(W/D)</u> | | |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

HB 879 transfers the requirement to establish a statewide child care resource and referral network from the Department of Children and Families (DCF) to the Agency for Workforce Innovation (AWI). It transfers the duties of the Child Care Executive Partnership Program from DCF to AWI and early learning coalitions. It also permits early learning coalition boards to engage in board business by telecommunication methods.

With regard to the voluntary prekindergarten program, the bill provides that: (1) private prekindergarten instructors will no longer be subject to refingerprinting procedures when they are rescreened every 5 years so long as there has not been a break in employment for longer than 90 days; (2) substitute instructors will no longer be required to possess the same accreditation as normal instructors, so long as they are of good moral character and screened in accordance with level 2 background screenings; and (3) accreditation standards will require written standards that meet or exceed the state’s licensing standards and at least one site visit to the provider prior to accreditation.

In addition, the bill gives the Agency for Workforce Innovation the ability to adopt rules relating to the establishment of a statewide child care resource and referral network and the use of substitute instructors.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background

Before 1999, Florida's publicly funded early education and child care programs were delivered through various independent programs, with administration of the programs divided among the Department of Education, the Department of Children and Family Services, and federal Head Start grantees.

The 1999 Legislature enacted the School Readiness Act (ch. 99-357 L.O.F.), which provided for the consolidation of each of the early education and child care programs administered by the Department of Education, the Department of Children and Family Services, and federal Head Start grantees into one integrated school readiness program. The act directed that the school readiness program would be administered by local school readiness coalitions under the coordination of the Florida Partnership for School Readiness.

The act created the Florida Partnership for School Readiness, which was assigned to the Executive Office of the Governor for administrative purposes, but which was transferred to the Agency for Workforce Innovation (AWI) in 2001.

Child Care Resource and Referral Network

Section 402.27, F.S., established the child care and early childhood resource and referral network in the Department of Children and Families, with preference given to the central agencies for the administration of this program. The network helps families identify quality early learning programs by providing information related to the type of program, hours of services, ages of children served, teacher credentials, and other significant program information. Currently, this service is provided by each county's early learning coalition.

Child Care Executive Partnership

Section 409.178, F.S., the Child Care Executive Partnership Act, established the Child Care Executive Partnership Program. The Child Care Executive Partnership Program uses state and federal funds to match local funds derived from various sources, to create community based partnerships with employers and provide child care subsidies to low-income working parents. The Legislature is required to annually review the effectiveness of the program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

Voluntary Pre-Kindergarten:

The 2003 Legislature created s. 1002.53, F.S., a voluntary prekindergarten education program to implement Amendment No. 8 (Voluntary Universal Prekindergarten Education), s. 1(b) and (c), Art. IX of the State Constitution. The program is administered by AWI.

Currently, to participate in the program, private prekindergarten providers that are not licensed by DCF or Gold Seal Accredited must be accredited by a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools. Private providers must be a licensed child care facility, a licensed family day care provider, a licensed large family child care home, a nonpublic school exempt from licensure, or a faith-based child care provider exempt from licensure. For each prekindergarten class, there must be at least one instructor that holds a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition (NCP CPR) or a credential approved by DCF that meets or exceeds the NCP CPR standards. Private providers must offer classes comprised of at least 4 students but no more than 18 students.

Public providers must be a part of a school district that has met classroom size requirements pursuant to the State Constitution and has sufficient facilities and capital outlay funds to continue reducing the average class size in elementary schools each year in accordance with the schedule for class size reduction to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the 2010-2011 school year. The Commissioner of Education must certify that the school district has met or is on pace to meet all requirements.

For public and private providers, each prekindergarten instructor must submit to level 2 background screenings every five years, which includes fingerprinting procedures. Fingerprints are sent to the Florida Department of Law Enforcement and the Federal Bureau of Investigation. In some instances, processing fingerprints can take between 6 weeks and 3 months to complete.

If an approved prekindergarten instructor is absent, present law requires the provider to hire another credentialed instructor as a substitute. This provision has placed a substantial burden on providers, as credentialed instructors are not always available to fill in as substitutes when an instructor misses work.

Effect of Proposed Changes

Technical Adjustments:

The bill changes the statutory reference from Chapter 402, F.S., to Chapter 411, F.S., relating to the child care resource and referral network. This change corrects an obsolete statutory reference. The program is currently housed in AWI's Office of Early Learning and is no longer under DCF.

The bill changes the statutory reference from Chapter 409, F.S., to Chapter 411, F.S., relating to the Child Care Executive Partnership. The program is staffed by AWI's Office of Early Learning. The bill transfers administration of Child Care Executive Partnership purchasing pools from community child care coordinating agencies or the state resource and referral agency to AWI and early learning coalitions. This change corrects an obsolete statutory reference and aligns the statute to the requirements of s. 411.01(5)(c)2.g., F.S.

Governance:

The bill provides that early learning coalition boards may meet by telecommunication methods. This provision will allow for greater flexibility in the boards' ability to meet and conduct board business and improve board efficiency. Currently, early learning coalition boards do not have the ability to conduct board business by telecommunication methods and must meet in person to conduct board business. Some coalitions comprise a large geographic area and travel-related issues may hinder the ability of the board to conduct business.

Voluntary Pre-Kindergarten Program:

The bill maintains the current list of accreditation associations allowed under the voluntary prekindergarten program. However, it requires in addition that each accrediting entity have written standards that meet or exceed the state's licensing requirements, and that each entity conducts at least one onsite visit to the provider before accreditation.

The bill removes the requirement for both public and private providers of regular school year and summer programs to resubmit fingerprints as part of the mandatory 5-year rescreening process unless an employee has experienced a break in continuous employment of more than 90 days. This will create efficiency, reduce redundant requirements, and decrease costs.

The bill allows providers to use a substitute instructor who does not meet the voluntary prekindergarten program instructor qualifications for short periods of time in the event an instructor is absent due to no fault of the provider. A substitute instructor must be of good moral character and have submitted to level 2 background screening requirements. AWI may adopt rules governing the qualifications of substitute instructors and the circumstances and time limits for which substitute instructors may be used.

C. SECTION DIRECTORY:

Section 1. Names the legislation the "Success in Early Learning Act."

Section 2. Authorizes early learning coalition boards to meet using telecommunication methods.

Section 3. Renumbers s. 402.27, F.S., to s. 411.0101, F.S., and transfers responsibility of establishing a statewide child care resource and referral network from DCF to AWI. Provides rulemaking authority to AWI to implement these provisions.

Section 4. Renumbers s. 409.178, F.S., to s. 411.0102, F.S., and transfers administration of the Child Care Executive Partnership Program from DCF to AWI and transfers administration of the Child Care Executive Partnership purchasing pools from community child care coordinating agencies or the state resource and referral agency to AWI and early learning coalitions.

Section 5. Requires private voluntary prekindergarten program providers to be accredited by associations that have written accreditation standards that meet or exceed the state's licensing requirements. At least one onsite visit to the VPK provider is required before accreditation is granted. Removes the requirement of fingerprint resubmission as part of the mandatory 5-year rescreening process unless an employee has experienced a break in employment of more than 90 days. This section also allows for the temporary placement of a substitute instructor who does not meet the VPK instructor qualifications.

Section 6. Removes the requirement for public schools and private prekindergarten providers of the summer prekindergarten program to resubmit fingerprints as part of the mandatory 5-year rescreening process unless an employee has experienced a break in continuous employment of more than 90 days. This section also allows for the temporary placement of a substitute instructor who does not meet the Voluntary Prekindergarten Program instructor qualifications.

Section 7. Removes the requirement for public schools delivering the school-year prekindergarten program to resubmit fingerprints as part of the mandatory 5-year rescreening process unless an employee has experienced a break in continuous employment of more than 90 days. This section also allows for the temporary placement of a substitute instructor who does not meet the Voluntary Prekindergarten Program instructor qualifications.

Section 8. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Voluntary prekindergarten providers may be able to save \$19.25 per employee on the fee for a Level 2 fingerprint screening if re-fingerprinting is not required.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill gives the Agency for Workforce Innovation authority to adopt rules necessary for the implementation of substitute instructors by voluntary prekindergarten providers and the administration of the statewide child care resource and referral network.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR:

No statement was submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES